

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 12/19/2013

Action Requested By:
Engineering

Agenda Item Type
Resolution

Subject Matter:

Modification No. 3 to Agreement with Littlejohn Engineering Associates, Inc. d/b/a G. W. Jones & Sons Consulting Engineers

Exact Wording for the Agenda:

Resolution authorizing the Mayor to modify the agreement with Littlejohn Engineering Associates, Inc. d/b/a G. W. Jones & Sons Consulting Engineers for Holmes Avenue and Pinhook Creek Bridge Improvements, Project No. 65-04-BR07, by Modification No. 3

04-644, 08-49 & 10-478

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Design modification which replaces Resolution No. 13-941 of November 21, 2013, due to clerical error in computation of total contract amount. Account No. N/A. No additional City Funds Involved.

Associated Cost:

Budgeted Item: Select...

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: [Signature]

Date: 12-18-13

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: **Engineering**

Council Meeting Date: **12/19/2013**

Department Contact: **Lynn Majors**

Phone # **256-427-5201**

Contract or Agreement: **Modification 3**

Document Name: **GW Jones-Holmes Ave Bridge Project No. 65-04-BR07**

City Obligation Amount: **N/A**

Total Project Budget: **N/A**

Uncommitted Account Balance: **N/A**

Account Number: **N/A**

No Additional City Funds Required.

Procurement Agreements

Not Applicable

Not Applicable

Grant-Funded Agreements

**Not
Applicable**

Grant Name:

Department	Signature	Date
1) Originating	<i>Kathy Marti</i>	<i>12-18-13</i>
2) Legal	<i>Mary C. Cates</i>	<i>12-19-13</i>
3) Finance	<i>[Signature]</i>	<i>12/19/13</i>
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

RESOLUTION NO. 13-

WHEREAS a clerical error was made in Modification No. 3 to the Agreement between City of Huntsville and Littlejohn Engineering Associates, Inc. d/b/a G. W. Jones & Sons Consulting Engineers for Holmes Avenue and Pinhook Creek Bridge Improvements, Project No. 65-04-BR07, as adopted by Resolution No. 13-941 of November 21, 2013, and

WHEREAS the City of Huntsville desires to correct that error by rescinding that modification and replacing it with a revised version, now therefore

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor be, and is hereby authorized, in Huntsville, Alabama, on behalf of the City of Huntsville, a municipal corporation in the State of Alabama to enter into Modification No. 3 to the Agreement with Littlejohn Engineering Associates, Inc. d/b/a G. W. Jones & Sons Consulting Engineers, adopted and approved on the 12th day of August, 2004, by the City Council of the City of Huntsville, Alabama by Resolution No. 04-644, and amended on the 10th day of January, 2008, by Resolution No. 08-49, and amended on the 24th day of June, 2010, by Resolution No. 10-478, as attached hereto.

BE IT FURTHER RESOLVED that the total contract amount be and hereby is modified from TWO HUNDRED EIGHTY-EIGHT THOUSAND TWO HUNDRED EIGHT AND .50/100 DOLLARS (\$288,208.50) to THREE HUNDRED ELEVEN THOUSAND THIRTY-FOUR AND .50/100 DOLLARS (\$311,034.50), including this Modification No. 3, an increase of TWENTY-TWO THOUSAND EIGHT HUNDRED TWENTY-SIX AND NO/100 DOLLARS (\$22,826.00). New end date: December 31, 2013. Said agreement supersedes agreement adopted and approved by the City Council on the 21st day of November, 2013, by Resolution No. 13-941. The Modification previously approved is hereby rescinded due to clerical error and is replaced with the attached Modification. Revised Agreement is substantially in words and figures similar to that document attached hereto and identified as "Modification No. 3 to Agreement between City of Huntsville and Littlejohn Engineering Associates, Inc. d/b/a G. W. Jones & Sons Consulting Engineers for Holmes Avenue and Pinhook Creek Bridge Improvements, Project No. 65-04-BR07, as adopted by Resolution No. 04-644 of August 12, 2004, and amended by Resolution No. 08-49 of January 10, 2008, and amended by Resolution No. 10-478 of June 24, 2010" consisting of a total of three (3) pages plus seven (7) additional pages consisting of Attachment "A", and the date of December 19, 2013, appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, and an executed copy of said document being permanently kept on file in the Office of the City Clerk of the City of Huntsville, Alabama.

ADOPTED this the 19th day of December, 2013.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the 19th day of December, 2013.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA)
COUNTY OF MADISON)

Modification No. 3 to Agreement between
the City of Huntsville and Littlejohn
Engineering Associates, Inc. d/b/a G. W.
Jones & Sons Consulting Engineers for
Holmes Avenue and Pinhook Creek Bridge
Improvements, Project No. 65-04-BR07, as
adopted by Resolution No. 04-644 of
August 12, 2004, and amended by
Resolution No. 08-49 of January 10, 2008,
and amended by Resolution No. 10-478 of
June 24, 2010

THIS IS MODIFICATION NO. 3 TO AN AGREEMENT to rescind and replace Resolution No. 13-941 which was executed by all parties on November 21, 2013, and entered in on the 12th day of August, 2004, in the amount of ONE HUNDRED THIRTY-TWO THOUSAND FIVE HUNDRED EIGHTY-NINE AND .25/100 DOLLARS (\$132,589.25), and amended on the 10th day of January, 2008, in the amount of FOURTEEN THOUSAND NINE HUNDRED SEVENTY-NINE AND NO/100 DOLLARS (\$14,979.00), for a total revised contract amount of ONE HUNDRED FORTY-SEVEN THOUSAND FIVE HUNDRED SIXTY-EIGHT AND .25/100 DOLLARS (\$147,568.25), and amended on the 24th day of June, 2010, in the amount of ONE HUNDRED FORTY THOUSAND SIX HUNDRED FORTY AND .25/100 DOLLARS (\$140,640.25), for a total revised contract amount of TWO HUNDRED EIGHTY-EIGHT THOUSAND TWO HUNDRED EIGHT AND .50/100 DOLLARS (\$288,208.50), The original Agreement is hereby amended by Modification No. 3 dated December 19, 2013, in the amount of TWENTY-TWO THOUSAND EIGHT HUNDRED TWENTY-SIX AND NO/100 DOLLARS (\$22,826.00), for a total revised contract amount of THREE HUNDRED ELEVEN THOUSAND THIRTY-FOUR AND .50/100 DOLLARS (\$311,034.50), by and between the City of Huntsville, Alabama, a municipal corporation in the State of Alabama (Owner) and LITTLEJOHN ENGINEERING ASSOCIATES, INC. D/B/A G. W. JONES & SONS CONSULTING ENGINEERS, (ENGINEER).

WITNESSETH

WHEREAS, a clerical error was made in Modification No. 3 to the Agreement between City of Huntsville and Littlejohn Engineering Associates, Inc. d/b/a G. W. Jones & Sons Consulting Engineers for Holmes Avenue and Pinhook Creek Bridge Improvements, Project No. 65-04-BR07, as adopted by Resolution No. 13-941 of November 21, 2013, and

WHEREAS, the City of Huntsville desires to correct that error by rescinding the previous version of the modification and replacing it with this version as set forth below:

President of the City Council of the City
of Huntsville, AL
Date: December 19, 2013

WHEREAS, the firm identified as the ENGINEER to the Agreement dated August 12, 2004, and amended on January 10, 2008, and amended on June 24, 2010, has proposed a change, identified as Attachment "A" to the Original Agreement. This modification delineates a change of the typical section for Holmes Avenue Bridge as a result of ATRIP funds being involved in the project.

WHEREAS, the Owner desires that the contract drawings be altered to be consistent with Attachment "A" hereto.

NOW THEREFORE, in consideration of the mutual covenants set forth herein, the Owner and the ENGINEER agree to the following modifications to the agreement:

1. Littlejohn Engineering Associates, Inc. d/b/a G. W. Jones & Sons Consulting Engineers will provide for design modification for changes of the typical section for Holmes Avenue Bridge as a result of ATRIP funds being involved in the project at a time and materials cost not to exceed TWENTY-TWO THOUSAND EIGHT HUNDRED TWENTY-SIX AND NO/100 DOLLARS (\$22,826.00). New end date: December 31, 2013.
2. Item #1 shall be performed in accordance with the original agreement dated August 12, 2004, and approved by the City Council by Resolution No. 04-644, and as described in the letter from Harry Wilson to Kathy Martin, dated October 9, 2013, shown as Attachment "A".
3. The terms of this contract modification and the execution thereof is not in any way to be viewed as a waiver on the part of the Owner of any of its rights pursuant to the Contract.
4. All other terms and conditions remain unchanged.

IN WITNESS WHEREOF, the parties have entered their hands and seals and attest to the same with the signature of the Mayor being the official act of the said municipality in accordance with his duly constituted authority.

THE CITY OF HUNTSVILLE, ALABAMA,
a municipal corporation

By: _____
Tommy Battle
Its Mayor

ATTEST:

Charles E. Hagood
City Clerk-Treasurer

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Tommy Battle and Charles E. Hagood, whose names as Mayor and City Clerk-Treasurer of the City of Huntsville, a municipal corporation, are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, in their capacity as such officers, executed the same with full authority for and as the act of said corporation on the day the same bears day.

GIVEN under my hand and official seal this the ____ day of _____ 2013.

Notary Public
My Commission Expires: _____

ENGINEER: LITTLEJOHN
ENGINEERING ASSOCIATES, INC.
D/B/A G. W. JONES & SONS
CONSULTING ENGINEERS

By: J. J. Mullis

ATTEST:

Samexa Carter

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Harry M. Wilson, as Principal, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, in his capacity as such officer, executed the same with full authority for and as the act of said Corporation on the day the same bears day.

GIVEN under my hand and official seal this the 19th day of December, 2013.

Marjorie Hollingsworth
Notary Public
My Commission Expires: 3/28/15

ATTACHMENT "A"

GWJONES

& Sons Consulting Engineers

October 9, 2013

Km
Ms. Kathy Martin, PE
Director of Engineering
City of Huntsville
P.O. Box 308
Huntsville, Alabama 35801

RE: Holmes Avenue Bridge over Pinhook Creek
Project Number ACAA58618-DE-A195

Dear Ms. Martin:

We appreciate you taking the time last week to discuss the required re-design of the Holmes Avenue Bridge section regarding the positive separation versus a 9" curb. As you know this project was started several years back and at the time of beginning our design team had the understanding that the project was to have a contribution of Federal Funding which would require positive separation between traffic and pedestrians. The Federal Funding was subsequently replaced in May 2012, see letter attached, with ATRIP funding. This allowed the design of the positive separation to be amended. The request to change the design to a 9" curb has been accomplished and the plans have been re-submitted to ALDOT for review. This change has caused both AECOM and GW Jones to expend additional effort to accomplish this task which we consider to be additional services due to the timing of the change request and the previous communications. We would appreciate consideration of an amendment to cover these additional costs that are summarized in the attachments.

Sincerely,

Harry M. Wilson

Harry M. Wilson, P.E.
Principal

Cc: Mr. Keith Kelly, P.E., AECOM

10/9/2013

Alabama Department of Transportation

11:41 AM

Project No. ACAA58618-DE-A195	
County Madison - City of Huntsville	
Description Holmes Ave over Pinhook Creek	
Scope of Work Bridge	
Project Length 0.00 Miles	
Consultant GW Jones & Sons Consulting Engineers	
GRAND TOTAL OF FEE PROPOSAL	
Corridor Study	\$0
Field Surveys	\$0
Preliminary Roadway Plans	\$0
Preliminary Bridge Plans	\$0
Right-of-Way Map, Tract Sketches and Deeds	\$0
Roadway Plans	\$22,826
Bridge Plans	
GRAND TOTAL FEE	\$22,826

Combined overhead rate (%) >>>>>>>>>>>>>

Facilities Capital Cost of Money (if used) >>>>>	0.38
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LABOR RATES

Classification	Daily Rate
Project Manager	\$0.00
Engineer	\$0.00
Senior Designer	\$200.00
Environmental	\$0.00
Engineering Technician/CADD	\$0.00
Environmental Technician	\$0.00
Clerical	\$0.00
PLS	\$0.00
Survey Crew	\$0.00

****Certification of Out-of-Pocket Expenses:**

If Out-of-Pocket Expenses are included in this proposal, we hereby certify that these costs are not included in the Combined Overhead Rate and are typically invoiced to all clients as a direct job cost.

H. J. Wilson
Signed

10-09-13
Date

Principal
Position/Title

10/9/2013

Alabama Department of Transportation

11:41 AM

Project No. ACAA58618-DE-A195			
County Madison - City of Huntsville			
Description Holmes Ave over Pinhook Creek			
Scope of Work Bridge			
Project Length 0.00 Miles			
Consultant GW Jones & Sons Consulting Engineers			
Fee Proposal (Roadway Plans)			
PERSONNEL COST			
	Man-days x Daily Rate		
Project Manager (10% of Eng.)	0.00	\$ -	\$ -
Engineer	0.00	\$ -	\$ -
Senior Designer	2.00	\$ 200.00	\$ 400.00
Engineering Technician/CADD	0.00	\$ -	\$ -
Clerical	0.00	\$ -	\$ -
Total Direct Labor			\$ 400.00
Combined Overhead (%)	153.02		\$ 612.08
Out-of-Pocket Expenses**			\$ -
Sub-Total			\$ 1,012.08
Operating Margin (15%)			\$ 151.81
Sub-Total			\$ 1,163.89
SUB-CONSULTANTS (attach man-day & fee FROM each sub-consultant; show total fee for each here)			
AECOM Bridge Sub-Consultant		\$	20,629.00
		\$	-
		\$	-
Subconsultant Administration Expense (5%)		\$	1,031.45
Sub-Total			\$ 22,824.34
Facilities Capital Cost of Money (% of Direct Labor)	0.38	\$	1.52
TOTAL FEE			\$ 22,825.86

**See Grand Total Fee sheet

8/27/2013

ALABAMA DEPARTMENT OF TRANSPORTATION

12:28 PM

FEE COMPUTATIONS FOR PREPARING BRIDGE DESIGN & PLANS

Consultant: AECOM

Submittal Date:

8/27/2013

PROJECT NO:

ACAA58618-DE-A195 (935)

DESCRIPTION:

Holmes Ave over Pinhook Creek

COUNTY:

Madison - City of Huntsville

SHEET TITLE	NO. OF SHEETS	CONSULTANT ESTIMATED MANDAYS			
		ENGR. days/sheet	TOTAL DAYS	TECH. days/sheet	TOTAL DAYS
Index, Notes, Quantities, & Required	1	0.25	0.25	0.25	0.25
General Plan & Elevation	1	0.25	0.25	0.25	0.25
Foundation Layout	1	0	0	0	0
Span 1	1	1	1	1	1
Girder Details - Span 1	1	0	0	0	0
Span 2	1	1	1	1	1
Girder Details - Span 2	1	0	0	0	0
Span 3	1	1	1	1	1
Girder Details - Span 3	1	0	0	0	0
Span 4	1	1	1	1	1
Girder Details - Span 4	1	0	0	0	0
Transverse Bars in Sidewalk	1	1	1	1	1
Deck Cross Section	1	1	1	1	1
Webwall Details	1	1	1	1	1
Incremental Elevations	1	1	1	0.25	0.25
Barrier Rail	1	0.25	0.25	0.25	0.25
Barrier Rail Details	1	0	0	0	0
Abutment No. 1	1	0.5	0.5	0.5	0.5
Abutment No. 5	1	0.5	0.5	0.5	0.5
Abutment Details	1	0.25	0.25	0.25	0.25
Bent No. 2	1	0.25	0.25	0.25	0.25
Bent No. 3	1	0.25	0.25	0.25	0.25
Bent No. 4	1	0.25	0.25	0.25	0.25
Bent Details	1	0.25	0.25	0.25	0.25
TOTALS - Total # Shts	24	Engr. Days	11	Tech. Days	10.25

8/27/2013

ALABAMA DEPARTMENT OF TRANSPORTATION

12:26 PM

FEE COMPUTATIONS FOR BRIDGE PLANS

Consultant: AECOM	PROJECT NO: ACAA58618-DE-A195 (935)
	DESCRIPTION: Holmes Ave over Pinhook Creek
	COUNTY: Madison - City of Huntsville

EMPLOYEE WAGES:

Project Manager (10% of Engineer)						
>>>>>>>>	1.10	Days		\$391.20	per Day	= \$430.32

Engineer	11.00	Days	x	\$391.20	per Day	= \$4,303.20
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Technician	10.25	Days	x	\$260.24	per Day	= \$2,667.46
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TOTAL DIRECT LABOR	\$7,400.98
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Combined Overhead (%) >>>>>	153.40 %	x	\$7,400.98	=	\$11,353.10
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SUBTOTAL COSTS	=	\$18,754.08
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Out-of-pocket expense**	=	\$ -
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PROFIT (10%)	=	\$1,875.41
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TOTAL BRIDGE FEE	=	\$20,629.49
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**See Grand Total Fee sheet



ALABAMA DEPARTMENT OF TRANSPORTATION

1409 Coliseum Boulevard
Montgomery, Alabama 36110

Telephone: 334/242-6311 • Fax No.: 334/262-8041

Robert Bentley
Governor



John R. Cooper
Transportation Director

May 31, 2012

To ATRIP Phase One Funding Recipients:

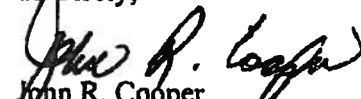
Your project has been selected for funding under Phase One of the Alabama Transportation Rehabilitation and Improvement Program (ATRIP). As such, the project has been assigned a Federal Aid (FA) number and an ATRIP reference number for tracking, and an ALDOT CPMS number for internal accounting purposes. The FA and ATRIP numbers should be used for any correspondence you may have with ALDOT concerning the project.

We request your assistance in completing the enclosed project questionnaire and returning it to ALDOT. Doing so will provide the status of the project and enable ALDOT to assist in preparing the project for completion. If you respond yes to any of the lines of inquiry please provide a copy of documentation supporting your response. As an example, if you indicate that you have an approved Materials Report please provide a copy when you return your questionnaire.

Please note many of the selected projects have received preliminary environmental approval based upon the project scope furnished in your application. If the environmental approval line of the questionnaire is completed by ALDOT, then your project has preliminary environmental approval and should require no further resource agency coordination unless the scope of work changes or we receive requests for additional information.

If you have any questions please feel free to contact Mr. Edward Austin, ALDOT Innovative Programs Bureau Chief, at (334) 242-6751.

Sincerely,


John R. Cooper
Transportation Director

JRC/ENA/TWR

cc: Mr. D.W. Vaughn
Mr. Ronnie Baldwin
Division Engineer
Mr. Edward Austin
File

ENCLOSURE